

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

WILLIAM L. RIDENOUR,

Petitioner,

vs.

Case No. 3:09cv106

WARDEN, CHILlicothe
CORRECTIONAL INSTITUTION,

JUDGE WALTER HERBERT RICE

Respondent.

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS
OF UNITED STATES MAGISTRATE JUDGE (DOC. #4) IN THEIR
ENTIRETY, AND OVERRULING PETITIONER'S OBJECTIONS THERETO
(DOC. #6); PETITIONER'S NOTICE OF CORRECTION APPROVED AND
CONSIDERED; JUDGMENT TO ENTER IN FAVOR OF RESPONDENT AND
AGAINST PETITIONER, DISMISSING PETITION FOR WRIT OF HABEAS
CORPUS, WITH PREJUDICE, AS BARRED BY THE APPLICABLE
STATUTE OF LIMITATIONS; OBSERVATION OF THE COURT; LEAVE TO
APPEAL *IN FORMA PAUPERIS* AND CERTIFICATE OF APPEALABILITY
DENIED; TERMINATION ENTRY

Pursuant to the reasoning and citations of authority set forth by the United States Magistrate Judge in his Report and Recommendations filed on March 16, 2009 (Doc. #4), as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court adopts said Report and Recommendations in their entirety, and overrules the Petitioner's Objections thereto.

The Petition for Writ of Habeas Corpus is denied, as barred by the applicable statute of limitations.

While the Petitioner attempts to avoid the bar of the statute of limitations by raising a claim of actual innocence, he sets forth no facts in support thereof, relying instead on a blanket statement, devoid of factual predicates. Moreover, a claim of actual innocence is inconsistent with his claim at trial, a claim which he persists in to the present time, that his chronic alcoholism rendered him unable to remember any of the facts of the offenses of conviction.

WHEREFORE, based upon the aforesaid, this Court, in adopting the Report and Recommendations of the United States Magistrate Judge, and overruling the Petitioner's Objections thereto, orders the entry of final judgment in favor of Respondent and against Petitioner, dismissing the Petition for Writ of Habeas Corpus, with prejudice, as barred by the applicable statute of limitations.

Given that any appeal from this Court's Decision would be objectively frivolous, this Court denies Petitioner leave to appeal *in forma pauperis*. Moreover, given that reasonable jurists would not disagree with the Court's decision rendered herein, in that Petitioner has failed to make a substantial showing of the denial of a constitutional right, this Court denies a Certificate of Appealability.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.¹

/s/ Walter Herbert Rice

March 30, 2009

WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

William L. Ridenour, Pro Se Petitioner

¹Petitioner has filed a Notice of Correction to page 15 of his Petition for Writ of Habeas Corpus, in that he inadvertently made a clerical error in the date he placed his Petition in the prison system for mailing. Avowing that the correct date was March 4, 2009, he submits his "Notice of Correction." The Court accepts said Notice of Correction and notes that it does not change the decision rendered herein.